



de maximis, inc.

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October 15, 2012

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 1 – August/September 2012
Lower Passaic River Study Area (LPRSA)
River Mile 10.9 Removal Action
CERCLA Docket No. 02-2012-2015**

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on behalf of the Cooperating Parties Group (or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 28 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the months of August and September, 2012.

Meetings/Conference Calls

- On August 16, CPG consultants discussed with EPA Tierra Solution's Good Faith Offer (GFO) for the use of their Upland Treatment Facility (UTF) in treating RM 10.9 Removal Action sediments.
- On August 23, CPG representatives met with EPA representatives and members of the Township of Lyndhurst's administration and staff to discuss Lyndhurst's July 6 letter to EPA questioning aspects of the RM 10.9 Removal Action.
- On September 13, CPG consultants met with EPA and Tierra representatives at EPA's offices to discuss the GFO and the CPG's response to the GFO.

Correspondence

- On August 1, CPG submitted a letter voluntarily increasing the RM 10.9 Removal Area by approximately 0.5 acres to include sediments upstream of the original removal area.
- On August 2, CPG submitted to EPA a draft Removal Action Design Work Plan (RDWP) and a draft Basis of Design Report (BOD-R, or 30% Design).
- On August 6, CPG counsel sent a letter to EPA elaborating on a July 27 rejection of the GFO.

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- On August 23, EPA requested from CPG an explanation of how it plans to handle sediment from the RM 10.9 Removal Action.
- On August 30, EPA provided CPG written comments on the RDWP and BOD-R.
- On September 7, CPG submitted a letter report to EPA describing its plans for handling sediments from the RM 10.9 Removal Action.
- On September 10, EPA and CPG exchanged emails regarding sediment washing bench-scale testing.
- On September 17, CPG submitted to EPA a final Sediment Washing Bench-Scale Testing Report.
- On September 19, CPG submitted to EPA a revised RDWP.
- On September 24, EPA requested a conference call to discuss EPA comments on the BOD-R; on same day CPG scheduled teleconference with EPA for October 2.

Work

- On August 1 CPG consultants witnessed and collected confirmation samples during Pear Technology soil washing bench scale testing.
- On August 8 CPG consultants witnessed and collected confirmation samples during BioGenesis soil washing bench scale testing.
- On August 17 CPG consultants sent preliminary bench scale results (dioxin TEQ) to Pear and BioGenesis.
- On August 22 CPG consultants discussed with Pear Technology bench scale testing dioxin results.
- On August 24 CPG consultants discussed with BioGenesis bench scale testing dioxin results.
- On August 24 CPG consultants had a call with Cashman and Stuyvesant concerning their Elizabeth NJ stabilization and future dewatering facility.
- On September 12 CPG consultants mailed Requests for Letters of Interest (LOI) to five dredging and capping contractors.
- On September 27 CPG consultants conducted a follow-up visit to Clean Earth to tour their operations and discuss limits of their permits in relation to RM 10.9 Removal Action sediment quality and quantity.
- On September 28 CPG consultants continued discussions with Cashman Marine on the status of their planned Elizabeth, NJ operations and limits of their permits in relation to RM 10.9 Removal Action sediment quality and quantity.

(b) Results of Sampling and Tests

- On September 11, Addendum C geotechnical data were submitted to EPA
- Unvalidated data from soil washing bench scale tests were included in the September 17 summary report on the same date.

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(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- Implement final editorial recommendations and submit final RDWP.
- Send Requests for LOIs to four stabilization and/or sediment dewatering contractors.
- Prepare 90% Design Report for submittal.
- Draft and submit request for authorization from NJDEP associated with stabilization of RM 10.9 Removal Action sediments; this is a critical path item for the RM 10.9 Removal Action.
- Begin discussions with NJDEP concerning the ARARs for implementing the Removal Action and the process for addressing the ARARs.
- Document approach for pore water investigations and cap design and discuss in detail with EPA.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

- Resolution of the Tierra/Maxus/Occidental UAO and their participation in the RM 10.9 Removal Action. As documented in CPG's correspondence of July 27 and September 7 the GFO was inadequate and provided no meaningful value to the RM 10.9 Removal Action.

If you have any questions, please contact Bill Potter, Rob Law or me at (908) 735-9315.

Very truly yours,

de maximis, inc.



Stan Kaczmarek

RM 10.9 Removal Action Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel
William Hyatt, CPG Coordinating Counsel
Jay Nickerson, NJDEP
Roger McCready, CH2M Hill